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INTERNAL AFFAIRS BUREAU
INVESTIGATIVE NARRATIVE
IV 2136083
FO 2128318
URN # 404-00061-52003-441

Subjects: **JONES, Clifford V., DEPUTY, #[redacted]**
[redacted] DEPUTY, #[redacted]

Date: **September 11, 2004**

Location: **Century Sheriff's Station**

Investigator: **Sergeant William Hines**

Case Synopsis:

This case pertains to allegations that Deputies Clifford Jones and [redacted] violated *M.P.P 3-01/050.10 Performance to Standards, 3-01/040.70 False Statements, 3-01/040.75 Making False Statements During a Departmental Internal Investigation,* when they submitted an official Sheriff's Department document (Incident Report) containing false statements. Additionally, this case pertains to possible violations of *M.P.P. 3-01/030.10 Obedience to Laws, Regulations and Orders as related to 5-09/210.00 Pursuits, and 5-09/430.00 Use of Force Reporting and Review Procedures.*

On Saturday, September 11, 2004, Sergeants William Hines and Elier Morejon and Lieutenant Stacy Lee of the Internal Affairs Bureau responded to Century Station, regarding a Significant Use of Force which resulted in the suspect sustaining a fractured facial bone and dislocated elbow. The use of force was following a pursuit of the suspect. The incident occurred at about 1003 hours; however, the fracture was not discovered until later at the hospital. The involved deputies and witness deputies chose not to speak with IAB investigators without the presence of their attorney.

The involved deputies, Deputies Clifford Jones [redacted] and [redacted] were interviewed by Sergeants William Hines and Elier Morejon at the Internal Affairs Bureau on September 30, 2004. Deputy [redacted] was interviewed on October 22, 2004. Also present during their interviews was John Birke, from Green and Shinee.

The subsequent Force Review was conducted under IAB file number FO2128318. The completed investigation is included in this case file. During that Force Review, IAB investigators discovered that written statements in the arrest/incident report were possibly false. On page three of the report, submitted by Deputies Jones and [redacted] it is written:

> *WHILE DRIVING W/B 62ND ST FROM COMPTON AV WE OBSERVED A BLACK HONDA CIVIC WITH NO REAR PLATE (VIOL 5200CVC) DRIVING E/B 62ND ST TOWARDS COMPTON BL.*
>
> *AS WE LOOKED AT THE VEHICLE, WE NOTICED THAT THE TIRES ON THE VEHICLE WERE BALD AND ONLY ATTACHED TO THE VEHICLE BY 2 LUG NUTS PER WHEEL. THE VEHICLE WAS MISSING THE GEAR SHIFTER KNOB AND HAD NUMEROUS 'F 13' (FLORENCIA 13 STREET GANG) TAGGING IN THE VEHICLE (COMMON FOR STOLEN VEHICLE).* **Refer to Exhibit A-Incident Report**

As part of the Force Review, Sergeants Hines and Morejon reviewed a video tape of the scene that was taken immediately after the incident.

> **IAB Note:** The use of force occurred after a pursuit of the suspect who ultimately jumped from his moving vehicle. The vehicle collided into a parked vehicle. The Field Sergeant arrived and video taped the incident scene. **Refer to Force Review FO 2128318, Exhibit M-Video**

In reviewing the video tape, Sergeants Hines and Morejon noticed that the wheels of the Honda were attached by four lug nuts per wheel, opposed to what Deputies Jones and [redacted] had indicated in their report and as stated in their interviews during the force review.

On October 19, 2004, Sergeant Hines called Mercury Insurance Company and Craftsman Auto Body and was told that all four of the Honda's wheels were held on by four lug nuts and that the gear shifter knob was not missing.

On October 21, 2004, Sergeants Hines and Morejon drove to the auto auction yard at18300 S. Vermont Avenue, Gardena and personally inspected the Honda. They noticed that all four wheels were properly attached to the Honda with the maximum number of four lug nuts per wheel. They also noted other discrepancies. The arrest report indicated that the Honda's tires were bald and that the Honda's gear shift knob was missing. On further inspection of the Honda, Sergeants Hines and Morejon noted that the tires were not bald and the gear shift knob was securely fastened to the stick shift in the center console. They did see various gang graffiti inside the Honda's passenger compartment. They video taped and photographed the interior and exterior of the Honda.

IAB Note: Refer to ICIB's investigative case file included in this case file for photographs of the Honda.

On October 28, 2004, Chief Ronnie Williams requested that the Internal Criminal Investigations Bureau conduct an investigation of possible criminal conduct committed by Deputies Clifford Jones and [redacted]

Internal Criminal Investigations Bureau's Sergeant James Kagy conducted the criminal investigation. During that criminal investigation, Deputy Jones exercised his right not to speak. Deputy [redacted] voluntarily spoke with Sergeant Kagy. After reviewing photographs of the Honda, Deputy [redacted] said that the first two paragraphs of the incident report narrative did not appear to be correct. [redacted] also said that Deputy Jones wrote the report and [redacted] did not give Jones any information regarding the Honda's tires, wheels, or number of lug nuts because he did not make any observations of those items. He also had no recollection of looking at the gear shift knob. [redacted] also said that he was not sure how Jones made his observations of the Honda. [redacted] said that he did not review Jones' report on the night of the incident, but saw the report a few days later. When he reviewed the report, [redacted] did not notice anything in the report that was incorrect.

IAB Note: During Deputy [redacted] IAB interview during the Force Review, he told IAB investigators that the Honda's wheels were held on by two lug nuts per tire. On page 2 of his transcribed interview he stated, "He's got four black tires on the car, two lug nuts per tire." Later in the interview on page 6, Deputy [redacted] was asked what made him believe the Honda was stolen and he answered, "Just training and experience dealing with car thefts. The vehicle training we've had, the fact that he would not talk to me or look in my direction. Both... four like, what you call spare tires on, all the way around held on by two lug nuts. The inside of the car being disheveled. Graffiti inside." **Refer to Exhibit B-Deputy [redacted] transcribed ICIB interview and Exhibit C-Deputy [redacted] transcribed IAB interview during the Force Review.**

On February 1, 2005, the facts of this case were submitted to the Justice System Integrity Division of the Los Angeles County District Attorney's Office. Compelled statements were not considered in their analysis of the case. **For the complete criminal investigation refer to Internal Criminal Investigations Bureau's case book which is included in this file.**

On April 4, 2005, Internal Criminal Investigation Bureau, Lieutenant Rod Kusch, received a document via facsimile from Deputy District Attorney Gilbert Wright, which related that his office declined to file charges, due to lack of sufficient evidence.

IAB Note: In the District Attorney's conclusion he wrote in part: *"The question presented here is not merely whether the police report contained false statements. Jones' report, in fact, contains several false statements regarding the number of lug nuts, the condition of the gear shift selector and the tires on the vehicle."* He later goes on to write: *"As such, strong evidence indicates that Deputy Jones falsified parts of his police report perhaps to bolster what he perceived as insufficient probable cause to initially approach* [redacted] *in the Honda. The question remains however, whether the falsified evidence was material."* Lastly he writes: *A trier of fact could reasonable conclude that, according to the law, Jones' false statements in his report were not material because, objectively, the deputies had sufficient probable cause to detain* [redacted] *to investigate the reason he had a paper plate on the rear of his vehicle. Arguably then, the statements would not influence the outcome in any court proceeding involving* [redacted] *in which it was uttered or became evidence. Therefore, we find there is insufficient evidence to prove that Deputies Jones or* [redacted] *violated Penal Code Section 118.1. We are closing our file and will take no further action in this matter."* **Refer to Exhibit D-Copy of District Attorney's letter of opinion**

On April 11, 2005, Chief Ronnie Williams requested that the Internal Affairs Bureau conduct an investigation of potential violations of M.P.P. 3-01/050.10 Performance to Standards and 3-01/040.70 False Statements. He made the request due in part to the nature of the case, the fact that the allegations, if founded, could result in the discharge of Deputies Jones and [redacted]

DEPUTY CLIFFORD JONES was interviewed at the Internal Affairs Bureau on June 1, 2005, by Sergeants William Hines and Elier Morejon. Also present during the interview was John Birke from Green and Shinee. Prior to his interview, Deputy Jones was shown the video of the scene and photographs of the Honda depicting the condition of the wheels, number of lug nuts for each wheel, tires and gear shifter knob. He was also provided a transcription of his previous IAB interview **(Exhibit E)** during the Force Review interview. The interview was tape recorded and transcribed. **For the complete interview refer to Subject Jones' transcribed IAB interview** The following is a brief summary of his interview:

Deputy Jones was asked to refer to his previous IAB interview **(Exhibit E)** and the Incident/Arrest Report **(Exhibit A)**. Deputy Jones acknowledged that he had an opportunity to review his report during his IAB Force Review interview and said that it was an accurate description of what he observed and his actions. He also acknowledged that during the IAB interview, when given the opportunity, he did not wish to change or correct anything in the report. Deputy Jones further acknowledged that he in fact wrote the Incident/Arrest Report. It was pointed out to Deputy Jones that in his report he wrote, "As we looked at the vehicle, we noticed that the tires on the vehicle were bald and only attached to the vehicle by two lug nuts per wheel. The vehicle was missing the gear

shifter knob and had numerous F13, Florencia 13 street gang, tagging on the vehicle." When asked, Deputy Jones denied that those statements he wrote in his report were false statements. When asked to explain why they were not false statements, Deputy Jones said, "It appears that I'm mistaken, but I'm gonna explain to you if I can just show you my way." Deputy Jones then referred to the photographs of the Honda (**ICIB Exhibits 5, 6, & 12**) and gave the following statement:

> "The first thing, it's not a false statement, and the reason it wasn't a false statement is because I didn't try to mislead anyone. I'm just trying to show you what my observations were. This does not show particularly what I saw, but it gives you where I'm coming from in terms of what I'm seeing. The reason it is, is that as we're going past the vehicle we're at an angle. We're a car length past the vehicle. And [redacted] sees that it has no plate and we back up to the vehicle. If you read my report, on the report chronologically shows exactly what I'm observing as we come back to the vehicle. Obviously when we're parallel to the vehicle, now, all I can do is see inside the vehicle. I can't see the lug nuts of the vehicle."
>
> "If you look at this picture, sir, at the angle and if you can just -- these pictures are taken in front of the vehicle to be clear, obviously, we have to look in the back of the vehicle, but the angle is pretty much gonna be if you turn it all around, pretty much similar to what I'm looking at through the vehicle. If you look in the rear wheel, all I could see are the two lug nuts here. Same with the front wheel if you look from the angle that I looked at, it looked like it had two on the front wheel. When Deputy [redacted] backs up the vehicle, I can no longer see if it has two or four lugs a wheel."
>
> "However, in my error, I should have looked at the car at the end of the pursuit and maybe put a supp or in my original report that says some of the things I observed, to be thorough, did not match my initial observations. I should have been thorough. But if you look specifically at this thing, that's where I get the two lug nuts showing, cause all I could see two. Sir."

When asked about his statement that the tires were bald, Deputy Jones said, "It may... Maybe it was an error that I put tires, but I just noticed... I remember the front tire being bald, sir. But then again then that in itself is not a crime, but that's the way I recalled it, sir."

When asked about his statement regarding the gear shifter knob and if it was in fact missing, Deputy Jones said, "In the pictures, no, but as I looked in the vehicle and I saw the graffiti and I was looking at his hands to make sure he did not arm himself, I saw a silver thing coming through his hand, which I assumed, it's not there, because I used to work on cars, I installed stereos on cars, and usually you don't have a shiny thing unless it's after market. So that's why I said, I noticed the gear shift knob was missing, sir."

Deputy Jones was then asked to clarify his statements and if he wrote them in error and he answered, "No, I did not put it in error. It goes back to my thinking of why I thought the car was possibly stolen, sir." In further explanation as to why he thought that his statements were not false, Deputy Jones said, "No, that's what I observed, sir. I don't think they're false. Now, could I have turned out to be wrong? Yes, sir. If I would have saw the vehicle, searched the vehicle, walked around the vehicle, and been a thorough deputy that I should have been, yes, sir. Yes, sir, but to sit up there and say that I intentionally mislead by putting that stuff and not -- I should have looked at the vehicle at the end of the pursuit, sir. And maybe that..."

> **IAB Note:** At this point while Deputy Jones was answering, his attorney, Mr. Birke interjected saying, "So it turned out that those were mistakes. I– I– I– Just– This isn't -- I just– You've answered the question. I just don't want you be giving speeches at this point. So, I mean, it is -- I think it's fair to say that it's not intentional. It's a mistake."

Deputy Jones was then asked to refer to the copy of his transcribed IAB interview, page 5. It was pointed out to Deputy Jones and he acknowledged that during that interview, his statement to IAB investigators was, "Deputy [redacted] initiated contact with the guy and then asked some questions. As indicated in the report while he's doing that, I'm looking at the vehicle. I'm noticing no lug nuts, graffiti inside of the vehicle, no gear shifter and all the stuff that's consistent with a stolen vehicle based on my training and experience." Deputy Jones was then asked if that statement to IAB investigators was a false statement and he said, "No, sir." When asked to explain why it wasn't a false statement, Deputy Jones said, "Because if you read it, sir, obviously as you have, Deputy [redacted] when he initiated contact, that's him backing up the vehicle to initiate contact with the guy. That's when I'm observing the outside. As soon as we get parallel, there's no way in the world that I could see the lug nuts on the car, sir. Now I can see inside the vehicle. That's when I'm noticing the graffiti. [redacted] is doing all the conversation. I'm noticing the vehicle and what the suspect's doing, sir."

It was again pointed out to Deputy Jones that during his IAB interview he stated to investigators, "I'm looking at the vehicle. I'm noticing no lug nuts, graffiti inside the vehicle, no gear shifter, and all the stuff that's consistent with a stolen vehicle based on my training and experience." He acknowledged that he did make that statement to investigators and his explanation as to why he made those statement had already been given earlier in the interview.

When specifically asked, Deputy Jones acknowledged that after the incident, he talked with Lieutenant Rampone and told Rampone that the Honda's lug nuts were missing, the gear shifter knob was missing and that the tires were bald.

According to Deputy Jones, he did not recall telling Deputy [redacted] the condition of the Honda's wheels, tires and gear shifter knob prior to the pursuit or prior to completing the report.

> **IAB Note:** An additional focus of this investigation was the use of force and the Code 9 and subsequent pursuit. The following portion of the interview is regarding that focus.

Regarding the use of force, it was pointed out to Deputy Jones that during his Force Review interview, he told investigators that by the time he arrived at the suspect, four or five deputies were already struggling with the suspect. When asked who the four or five deputies were, Deputy Jones could only recall Deputies Garcia and Meza. Deputy Jones added that he was certain that he was not one of the first few deputies to arrive. He said, "I was not one of the persons, first two to three to four deputies." Deputy Jones was told that during Deputy Reynaga's interview, Reynaga said that Jones and Garcia were the first to arrive at the suspect. Deputy Jones said he did not know why Reynaga would have said that. Deputy Jones was also told that Deputy Garcia also said that Jones and Reynaga were one of the first deputies to reach the suspect and assist in the arrest. Deputy Jones was then asked if that information refreshed his memory as to who arrived first to the suspect. Deputy Jones responded, "Let me help you out. Obviously, it's at the end of a pursuit. It's a mess. Okay? We got people running, people running stuff like that. There's no way that me or my partner, Deputy [redacted] could have been there because we were like the fifth or the fourth car back. There were people ahead of us, okay. So could I have seen, you know, Sergeant Morejon as opposed to another person there? Possibly so, but the for the two people I saw were Meza and I remember Deputy Garcia."

> **IAB Note:** During the Force Review of this incident, four deputies were identified and acknowledged using force during the arrest of the suspect: Garcia, Reynaga, Jones, and [redacted] Garcia said he was the first one to reach the suspect and he struggled to pull the suspect's left arm back. Reynaga said as he ran up to the suspect he saw Jones and Garcia on the suspect. Reynaga said that he punched the suspect. Jones said he pulled the suspect's right arm back. [redacted] said he placed his knee on the suspect's back and handcuffed the suspect. [redacted] and Jones said that they did not see Reynaga punch the suspect. Of the witnessing deputies, Meza said it was over by the time he arrived and Jones was escorting the suspect to the patrol car. Rojas said he hurt his knee on exiting the patrol car. By the time he got there, the suspect was handcuffed. Navarro said by the time he arrived, the suspect was already in the back seat of the patrol car. Out of seven deputies that were there, four reported force. Two of the four that used force said that Jones was one of the first three to arrive at the suspect; however, Jones said that there were four to five deputies already struggling with the suspect when he arrived. Jones also said the he did not recall Reynaga being there during the struggle. Investigators did not obtain any other

information to indicate that additional deputies were at the scene and used force and did not report their force.

Regarding the Code 9, Deputy Jones was asked if at any time during the Code 9 he had the patrol car's red lights and siren activated and Deputy Jones answered, "Not that I can recall, sir." He was then asked if the red lights and siren could have been activated and he just didn't recall that they were activated and Deputy Jones said, "That's something you'll have to ask my partner, sir."

Investigators advised Deputy Jones that in reviewing the tape of the radio transmission, a siren can be heard during the Code 9. Deputy Jones acknowledged that he also heard the siren when he reviewed the tape; however, he did not know whose siren it was on the tape. When asked if it could have been his siren, Deputy Jones said, "I don't think so, sir, because the tape that I have, the siren is getting louder as it's coming up to us, sir." Deputy Jones was asked if his siren was activated at any time during the Surveillance Mode and he answered, "Not that I recall, sir."

Deputy Jones was asked to explain his radio transmission to SCC, wherein Deputy Jones was asked by SCC, "Advise the plate please," and Deputy Jones responded, "Uh, the plate is uh... it just fell off the vehicle and it has a paper plate on the front, copy? 217B." Deputy Jones said that was an error on his part. He further explained that it was the front plate that fell off and not the rear plate. When asked if there actually was a front plate on the Honda, Deputy Jones said, "To my knowledge, I don't even recall. I never even searched the vehicle, sir, after the pursuit." When asked if his statement to SCC, regarding the plate falling off, was a false statement, Deputy Jones said, "No it was not, sir. I mis-spoke, sir. I should have said the front plate had just fallen off and the rear plate was a paper plate." **Refer to Exhibit F-Transcript ion of Radio Broadcast**

DEPUTY [redacted] was interviewed at the Internal Affairs Bureau on June 1, 2005, by Sergeants William Hines and Elier Morejon. Also present during the interview was John Birke from Green and Shinee. Prior to his interview, Deputy [redacted] was shown the video of the scene and photographs of the Honda depicting the condition of the wheels, number of lug nuts for each wheel, tires and gear shifter knob. He was also provided a transcription of his Force Review interview and his interview with Internal Criminal Investigations Bureau. The interview was tape recorded and transcribed. **For the complete interview refer to Subject Brock's transcribed IAB interview** The following is a brief summary of his interview:

Regarding his use of force during this incident, Deputy [redacted] reiterated that the only force he used was placing a knee on the suspect's back in order to control him and then handcuffing the suspect. Deputy [redacted] said when he arrived, there were four or five deputies struggling with the suspect; however, Deputy [redacted] only recalled that Reynaga, Garcia and Jones.

Deputy [redacted] was asked to refer to his previous IAB interview during the Force Review **(Exhibit C)**. Deputy [redacted] acknowledged that he had an opportunity to review his interview transcript. It was pointed out to Deputy [redacted] that during his previous IAB interview he said, regarding the Honda's condition, that the wheels were held on by two lug nuts per wheel. When asked if he actually saw the tires, Deputy [redacted] said, "I wasn't paying much attention to the tires. I was looking at him." When asked to explain why he told investigators during his IAB interview that the tires were bald and held on by only two lug nuts per tire, Deputy [redacted] said that he gave those statements based on the report only. When asked if he looked at the Honda and noticed the condition of the tires and the number of lug nuts holding each wheel on, Deputy [redacted] said, "No." Deputy [redacted] was asked for a further explanation of why he made those statements to IAB investigators and he said, "I don't, other than just being on the report, writing down the whole story. I -- I don't." Deputy [redacted] was then asked if the statement he made to IAB investigators regarding the tires and number of lug nuts was a true statement.

> **IAB Note:** At this point, Deputy [redacted] attorney, John Birke, interjected requesting that the term accurate be used instead of true.

Deputy [redacted] was again asked if his statement was true. Deputy [redacted] said, "From seeing the video, the video shows four lug nuts." He was asked, "So is that a true statement?" Deputy [redacted] answered, "No."

Deputy [redacted] acknowledged that later in his previous IAB interview, he told investigators again that the tires were held on by two lug nuts and the tires looked like spares. When asked if that was a true statement, Deputy [redacted] said, "It was not accurate, no." When asked why he made those statements during his interview, Deputy [redacted] said, "You asked me why I believed the car was stolen and I broke down the reasons of my training what would be a stolen vehicle. Again, I'm probably referring to the report, not knowing it was inaccurate, and I put the two together."

Deputy [redacted] later acknowledged that he did not observe the lug nuts and bald tires on the Honda. He said his statements were based on what he had read in the report written by Deputy Jones.

Deputy [redacted] was asked to refer to the transcript of his interview with Internal Criminal Investigations Bureau (**Exhibit B**). It was pointed out to Deputy [redacted] that during that interview, Sergeant Kagy asked him, "Did you provide him (Deputy Jones) with any information as far as the condition of the tires or rims or lug nuts?" [redacted] answer was, "No." It was then pointed out to Deputy [redacted] that his answer of, "No," was not consistent with his statements during his IAB interview, wherein he told IAB investigators that the wheels appeared to be spare tires "all the way around," and were held on by two lug nuts. Deputy [redacted] was then asked, "Why didn't you tell Kagy that same condition that you told us?" Deputy [redacted] answered, "When we started the interview the first time, you had me run over everything that went down as we were going to get to the force. Evidently, I put in things from the report, along with my statements. That's all I can -- I credit it to."

When asked, Deputy [redacted] said that he did not recall having a discussion with Deputy Jones regarding the condition of the Honda at any time.

When asked about Deputy Jones' radio transmission of the rear plate falling off the Honda, Deputy [redacted] said he wasn't concentrating on what Deputy Jones said at that time. It wasn't until later when he reviewed the tape of the radio transmission that he realized what Jones had said about the rear plate falling from the Honda.

Case submitted on June 22, 2005.



LEROY D. BACA, SHERIFF

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard

Monterey Park, California 91754-2169



August 24, 2005

Deputy Clifford Jones, #[redacted]

Deputy Jones:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Sheriff, Item No. 2708A, with this Department, effective at the close of business on September 15, 2005.

An investigation under File Number IAB 2136083, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about September 11, 2004, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when you wrote and submitted an arrest report and Probable Cause Declaration regarding the arrest of Oscar Rodriguez which contained inaccurate and/or misleading information wherein you said the Honda that Suspect [redacted] was seated in had bald tires which were held on by two lug nuts per wheel and the gear shift control knob was missing.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/210.02, Initiation of a Pursuit*), on or about September 11, 2004, you initiated a pursuit of a Honda which you broadcast as a 10-29Victor (stolen vehicle) when, in fact, you did not know whether or

not this Honda was a known, reported stolen vehicle because it did not have license plates affixed to it.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Sections 5-09/210.05, Abandonment of a Pursuit and/or 5-09/210.15, Vehicle Operation and Tactics*), on or about September 11, 2004, you failed to perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department, as evidenced by, but not limited to, the following:

   a) Initiating an out-of-policy pursuit of a "possibly stolen vehicle," and/or;

   b) during your initial radio broadcast of your pre-stop coordination of the vehicle, a siren is audible on the radio transmission, and/or;

   c) initiating a pursuit of the Honda because the driver was "a little bit out of control," and/or;

   d) failing to comply with Surveillance Mode after the pursuit was cancelled by the Watch Commander by broadcasting that the suspect's vehicle was "crapping out" and/or that you were "behind him."

4. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/430.00, Use of Force, Reporting and Review Procedures*), on or about September 30, 2004, during an interview regarding the use of force upon suspect [redacted] you stated that you observed four to five deputies struggling with Suspect [redacted] but could only recall two of them by name, specifically Deputies [redacted] and [redacted] You also stated you were not the first Deputy to be on scene to physically restrain the suspect, to the contradiction of Witnesses [redacted] and [redacted]

5. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, or about September 30, 2004, and/or June 1, 2005, during your interview(s), you made false and/or misleading statements, including but not limited to, that although your reported observations regarding the condition of the suspect vehicle with respect to the bald tires, missing lug nuts, and the gear shift knob were incorrect, they were not false statements because you did not intend to mislead anyone and/or stated that "I was trying to show you what my observations were. This does not show particularly what I saw, but it gives you where I'm coming from in terms of what I'm seeing."

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Ronnie Williams on September 12, 2005, at 1000 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor address. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 12, 2005, for your oral response, please call Chief Williams' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Williams' secretary to cancel your scheduled appointment and send your response to the facts contained in this letter to Chief Williams' office by no later than September 12, 2005.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Marinis, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Ronnie Williams, FORII
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2136083)

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	_ Further investigation requested. _ Probation Violation in lieu of filed. X Prosecution declined.	DA CASE NO. 25469021	Page 1 of 7 Date: April 4, 2005
		POLICE CASE NO. (DR OR URN NO.) 604-03677-1738-091	DA OFFICE CODE J.S.I.D. 05-0083R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
1.	JONES, CLIFFORD	N.I.C.	PC 118.1	B – Lack of Sufficient Evidence
2.	[redacted]	N.I.C.	PC 118.1	B – Lack of Sufficient Evidence

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) GILBERT WRIGHT/smm	DEPUTY CODE 141529	COMPLAINT DEPUTY (SIGNATURE)	REVIEWING DEPUTY

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 04/04/05

OFFICER - SGT. JAMES KAGY

L.A.S.D. I.C.I.B.

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputies Clifford Jones, [redacted] and [redacted] #[redacted] wrote and/or participated in writing a false police report in violation of Penal Code Section 118.1. For the reasons set forth below, this office declines to initiate criminal proceedings against the two deputies.

FACTUAL ANALYSIS

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department, Internal Criminal Investigations Bureau (ICIB), which were submitted to this office on February 1, 2005 by Sergeant James Kagy. Compelled statements were not considered in our analysis.

On September 11, 2004, at approximately 10:15 a.m., uniformed Deputies Clifford Jones and [redacted] were in their marked patrol unit on West 62nd Street and Compton Avenue in Los Angeles, when they noticed a black Honda Civic being driven by an individual later identified as [redacted] [redacted] was driving eastbound 62nd Street towards Compton Boulevard. The deputies, eventually believing the vehicle was stolen, went into a short high speed pursuit of [redacted] An air unit and several other marked Sheriff's units were involved as well. [redacted] ultimately ran from the car as it crashed into a parked vehicle. [redacted] was quickly detained and sustained some physical injuries that appeared to be obtained when he jumped from the vehicle. Other Sheriff's personnel quickly arrived at the scene of the collision and videotaped the condition of the black Honda as well as some civilian witnesses. The videotaping appears to have begun 10 to 25 minutes after the pursuit ended. Still photographs of the Honda were also taken.

On September 14, 2004, the District Attorney's Office filed a complaint in case number VA085022 alleging that [redacted] unlawfully fled or eluded the deputies (Vehicle Code Section 2800.2), unlawfully took a vehicle (Vehicle Code Section 10851(a)), and received stolen property (Penal Code Section 496). He ultimately pled guilty and received 6 months in the county jail as a condition of probation.

Deputy Jones wrote the police report that detailed initial contact with [redacted] as well as the subsequent pursuit. In his report, Jones stated:

> "While driving W/B 62nd ST from Compton Av we observed a black Honda Civic with no rear plate (Viol 5200CVC) driving E/B 62nd ST towards Compton BL.

> As we looked at the vehicle, we noticed that the tires on the vehicle were bald and only attached to the vehicle by 2 lug nuts per wheel. The vehicle was missing the gear shifter knob and had numerous "F13" (Florencia 13 Street Gang) tagging in the vehicle (common for stolen vehicles) Dep Brock then asked the driver identified as the suspect, "Hi sir whose vehicle(?)." The suspect refused to answer Dep. [redacted] or even look in his direction. Deputy [redacted] again asked "is that your vehicle?" The suspect looked at Dep. [redacted] with a startled look but did not answer. As the vehicle ahead of the suspect left the location, the suspect fled the location without stopping at the stop sign (viol 22350CVC) (located at 62nd ST and Compton AV) at a high rate of speed."
>
> Based on the above, along with the training and experience in the theft of stolen vehicles, coupled with the fact that "F13" gangsters drop off several stolen vehicles in the area we believed the vehicle was stolen."

Deputy Jones then went on to describe how other patrol units, including an air unit, joined in the pursuit, and also described [redacted] unsafe driving. Deputy Jones wrote that [redacted] waived his Miranda rights and said that, although he knew the car was stolen, he ran because he was frightened upon seeing the police because he had just used methamphetamine. He refused to provide a urine sample because he knew that it would show that he was using narcotics. [redacted] then complained of pain to his arm so Deputy Jones stopped interviewing him.

The probable cause declaration also states that the Honda Civic was missing its lug nuts, its gear selector knob, and that it had bald tires and gang graffiti. Deputy Jones' name is typewritten on this form indicating that he was the author. However, Deputy [redacted] the watch sergeant on this day, believed that Deputy [redacted] presented the probable cause declaration to him because Deputy Jones was busy writing the report. His best recollection is that he told Deputy [redacted] to make changes on the form and then resubmit it for his review and approval. [redacted] does not recall what changes he requested [redacted] to make or what, if any, conversation they had regarding the circumstances of this incident. He remembered that he never spoke to Deputy Jones about the arrest that day. [redacted] spoke to Sheriff's investigators on January 20, 2005.

Sheriff's investigators reviewed the videotape and then went to the International Tow Yard to view the Honda and discovered that the Honda's tires were not bald and its wheels were fully equipped with four lug nuts per wheel. All four wheels had Honda style hubcaps. Investigators believed that the tread on the tires were in good condition. However, a gouge or tear was visible on the sidewall of the front tire. It is not known when that damage occurred. Investigators recovered a California Highway Patrol recovery/impound form (CHP 180) that appeared to be filled out by Los Angeles

Deputy Sheriff [redacted]. All of the Honda's wheels/tires were described as being in "poor" condition. Investigators eventually spoke with Deputy [redacted] who indicated that he filled out most of the CHP 180 form. He said that he checked the box that indicated that the tires were in poor condition because that was what he was trained to do. He indicated that he was taught that if the tires are not brand new or not off the "show room" floor, then they should be classified as "fair" or "poor." He recalled that there was some damage to the wheels and that one of the tires may have been flat.

The videotape, as well as the still photographs taken of the Honda, also showed that the gear shift knob was not missing, but securely fastened to the stick shift in the center console. The knob was turned approximately 90 degrees left of its normal position. There was a chrome license plate frame securely attached to the rear of the car that contained a paper plate entitled "Raul's Motors." The front license plate frame was hanging from the front bumper by one screw, and contained a paper plate entitled "Alex Auto Sales." There is no indication in Jones' report that either Deputy [redacted] or Deputy Jones observed the front plate until the pursuit was over. Investigators observed a small amount of gang graffiti inside the Honda's passenger compartment which could not easily be viewed from sitting in a patrol car. However, Jones' report does not indicate if he and his partner stopped [redacted] prior to contacting him and asking if the car belonged to him. The report also does not indicate if the deputies were inside or outside their patrol car when they made their observations of the Honda's gear shift knob or the graffiti.

The Honda Civic's listed owner is Mercury Insurance. They determined that the car was a total loss. The previous owner of the vehicle was [redacted] He reported the vehicle stolen on August 31, 2004. According to investigators, at the time the Honda was stolen the only license plate for the vehicle was affixed to the rear bumper.

Investigators obtained a transcript of the radio transmissions of the pursuit. Deputies Jones' and [redacted] vehicle is described as unit 217b in the transcript. At one point, in response to a question from radio dispatch about the license plate number, an individual from unit 217b said that the "plate just fell off the vehicle and it has a paper plate on the front, copy? 217b." Sergean[redacted] monitored the transmissions and said that Deputy Jones made the statement regarding the license plate falling off.

After the pursuit, Lieutenant [redacted] ordered all involved units back to Century Station to debrief him on what occurred. Sergeant [redacted] attended that meeting and specifically remembered Deputy Jones "mentioning something about bald tires and missing lug nuts....And I believed that was his (Deputy Jones') PC [sic] to get this thing initiated or

started." Sergeant [redacted] recalled that Lieutenant [redacted] questioned Jones about the 'license plate falling off' comment made during the radio transmissions. He said that Deputy Jones' response was something to the effect of, "I wasn't able to give you the license plate information because it had a paper plate," and/or, "The license plate fell off the car."

On November 30, 2004 Deputy [redacted] voluntarily spoke with investigators about the arrest of [redacted] He was first shown the report written by Deputy Jones and the numerous photographs of the Honda Civic. Deputy [redacted] said that after looking at the photographs of the Honda the first two paragraphs of the report narrative do not appear to be correct. Deputy [redacted] then described how the incident began. He said that they were driving westbound and [redacted] car was driving eastbound on 62nd Street. They pulled up to [redacted] vehicle and could not see if there was a front plate due to a car being in front of the Honda. As they drove past the vehicle slowly, they saw that the rear license plate frame contained a paper plate. [redacted] backed up to the point where he was driver's door to driver's door with the Honda and asked [redacted] if the car belonged to him. [redacted] did not respond, so [redacted] opened his door and began to step out of his patrol vehicle to speak to [redacted] but [redacted] sped off. [redacted] said that he did not recall seeing any gang graffiti on the outside of the Honda, but prior to [redacted] driving away he noticed gang graffiti either on the dash or on the steering wheel of the Honda. The graffiti appeared to be written in pen which, in his opinion, was an unusual thing for a vehicle owner to do. [redacted] not all the way out of his car, got back in, turned around, and began to follow [redacted] Deputy Jones began to broadcast over the patrol car's radio. At that point, Brock considered the Honda a possible stolen vehicle.

[redacted] said that Deputy Jones wrote the arrest report, but he [redacted] did not give him any information regarding the Honda's tires, wheels, or number of lug nuts because he did not make any observations of those items. He also had no recollection of looking at the gear shift knob. [redacted] is not sure how Jones made his observations of the Honda. [redacted] told the investigators that, "We spoke about the incident and how it went down, but as far as all the observations, no. I mean, we've both been on quite a while. He writes his reports, I write mine, and we don't usually check each other's." [redacted] said that he did not review Jones' report that night but saw the finished report several days later. He did not notice anything in the report narrative that was incorrect. As far as he knew, the Honda could have been in the condition as described by Jones' report. Deputy [redacted] did not specifically indicate whether or not he remembered [redacted] speeding through the stop sign after he failed to respond to [redacted] question regarding ownership of the Honda.

Deputy [redacted] said that he listened to an audio tape of the radio transmissions sometime after the incident and heard Jones state that a license plate fell off the rear of the Honda. [redacted] said that nothing fell off the rear of the Honda, but something fell off the front of the Honda as [redacted] made a left turn. [redacted] was not sure if it was another paper plate or something else, but it appeared to be a license plate. [redacted] made this statement to investigators after viewing photographs of the paper plate on the front of the car. [redacted] said that Deputy Jones listened to the audio tape as well and commented that it sounded like he (Jones) said the rear plate "when in fact, we saw something fall off the front. Whether it was a plate or not, we don't know."

Deputy Jones refused to speak with investigators. Investigators spoke to several of the other responding deputies as well as representatives with International Tow Yard. All individuals indicated that they did not remove anything from inside or outside the vehicle and they saw no one remove anything from inside or outside the vehicle.

CONCLUSION

Penal Code Section 118.1 states in pertinent part, "Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime....if he knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report...."

The question presented here is not merely whether the police report contained false statements. Jones' report, in fact, contains several false statements regarding the number of lug nuts, the condition of the gear shift selector and the tires on the vehicle. As Penal Code Section 118.1 makes clear, the law instead requires that there be proof that Jones <u>knowingly and intentionally made statements regarding a material matter in his report, knowing that they were false.</u> Based on when the videotape and photographs of the car were taken, and interviews of the other responding deputies and tow yard personnel, the condition of the Honda at the time Deputies [redacted] and Jones first encountered it was as it was depicted in the videotape and photographs. As such, strong evidence indicates that Deputy Jones falsified parts of his police report perhaps to bolster what he perceived as insufficient probable cause to initially approach [redacted] in the Honda. The question remains however, whether the falsified evidence was material.

According to CALJIC Instructions 7.21 or 7.21.1 a false statement is material if it could probably influence the outcome of the proceedings in which it was uttered or where it would be evidence. Whether it actually had that effect is irrelevant.

Vehicle Code Section 4850(a) states: "The department (Department of Motor Vehicles [DMV]), upon registering a vehicle, shall issue to the owner two partially or fully reflectorized license plates or devices for a motor vehicle, other than a motorcycle, and one partially or fully reflectorized license plate or device for all other vehicles required to be registered under the code...."

Vehicle Code Section 5200(a) states: "When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear."

Thus, it appears that whenever a vehicle does not contain two license plates issued by the DMV, one on the front bumper and the other on the rear bumper, the driver of that vehicle is in violation of the law and subject to being stopped by peace officers. The first sentence of Jones' report, "While driving W/B 62nd ST from Compton Av we observed a black Honda Civic with no rear plate (Viol 5200VC) driving E/B 62nd ST towards Compton BL" is curiously written if taken literally, because if the Honda was approaching the patrol car, the deputies could not have seen the rear plate. According to Deputy [redacted] there was another car in front of the Honda, which blocked their view of the front plate. It was when they "slowly" drove past the Honda that [redacted] noticed that there was no rear license plate. This statement of [redacted] however, could reasonably place the aforementioned statement from the report in context. Notwithstanding the other statements in the report or the lack of any explanation about what drew these deputies' attention to this Honda in the first place, the law clearly allows these deputies to approach and detain [redacted] to ascertain if he was the owner of the vehicle. [redacted] indicated that when he began to step out of his car to speak with [redacted] he noticed some gang graffiti inside the car which further aroused his suspicions. The vehicle pursuit then ensued when [redacted] failed to respond to [redacted] questions and took flight from the deputies.

A trier of fact could reasonably conclude that, according to the law, Jones' false statements in his report were not material because, objectively, the deputies had sufficient probable cause to detain [redacted] to investigate the reason he had a paper plate on the rear of his vehicle. Arguably then, the statements would not influence the outcome in any court proceeding involving [redacted] in which it was uttered or became evidence. Therefore, we find there is insufficient evidence to prove that Deputies Jones or [redacted] violated Penal Code Section 118.1. We are closing our file and will take no further action in this matter.

ORIGINAL

SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Clifford Jones, Employee Number [redacted]

RECITALS

The Department and Deputy Jones are interested parties in the investigation under Internal Affairs Bureau No. IV 2136083. Both desire to resolve all disputes arising as the result of that investigation, to avoid litigation and further administrative process upon the terms and conditions hereinafter set forth.

NOW THEREFORE, the Department and Deputy Jones for and in consideration of the mutual covenants herein, agree as follow:

1. The Department, upon execution of this agreement, will issue Deputy Jones a Letter of Imposition for a thirty (30) day suspension for violation of Manual of Policy and Procedure Sections 3-01/100.35 (False Information in Records), 3-01/050.10 (Performance to Standards), 3-01/040.70 (False Statements), 3-01/040.75 (Failure to Make Statements and/or Making False Statements During an Internal Investigation), and 3-01/030.10 (Obedience to Laws, Regulations and Orders) which he accepts without appeal. A true and correct copy of that Letter of Imposition is attached as Exhibit A to this Agreement.

2. The Department will further hold twelve (12) days of the thirty (30) day suspension in abeyance for a period of two (2) years from the execution of this agreement.

3. Deputy Jones understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures within the two (2) year period, the twelve (12) day suspension held in abeyance shall be imposed. Deputy Jones understands that he will be subject to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Jones' record will reflect that a thirty (30) day suspension was imposed and may be used for purposes of demonstrating "progressive discipline"

5 Deputy Jones, upon execution of this Agreement, will agree to perform in service briefings at the request of his Unit Commander regarding proper conduct. The briefings may take place at any unit within the Sheriff's Department.

6. Deputy Jones shall not hold any Bonus I position within the two year abeyance period.

7. This Agreement may not made public nor shared with the general membership of ALADS for any reason whatsoever. It shall not be cited, referred to, or referenced in any manner in the ALADS Dispatcher or any other union publication.

8. Deputy Jones shall be transferred from Century Station to another unit within Field Operations Region II based on staffing needs.

9. Moreover, Deputy Jones agrees to waive all rights in IAB Case Number IV 2136083, pursuant to Skelly v. State Personnel Board (1975) 15 Cal.3d 194 Cal.Rptr. 14.

10. Deputy Jones agrees to waive any and all further administrative or judicial remedies with respect to the discipline as stated herein, including but not limited to the Los Angeles County Civil Service Commission or the Los Angeles County Employee Relations Commission.

11. The parties further agree that this settlement shall not be considered, cited or used in any future dispute between the Department and any other department employee as establishing precedent or past employment practice. This Agreement resolves the dispute between Deputy Jones and the Department, and is not to be applied to any other facts or disputes.

12. In consideration of the terms and conditions set forth herein, Deputy Jones agrees to fully release, acquit and forever discharge the County, their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Jones concerning the subject matter referred to herein. Additionally, Deputy Jones specifically acknowledges that he has not been the subject of discrimination in any form, including but not limited to discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known to him.

13. Deputy Jones further agrees, with regard to this litigation, to relinquish and expressly waives all rights conferred upon her by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

14. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

15. The parties agree that this is the complete settlement agreement and that no other promises have been made by either party. The parties further agree that no changes may be made to this settlement agreement unless both parties reduce the changes to writing and sign them. The "date of execution" and the "effective date" shall be the latest of the dates set forth below.

16. Each party hereto represents and agrees that he/she or it has carefully read and fully understands all of the provisions of the Agreement, and that he/she or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

I have read the forgoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences. I further acknowledge that I have been afforded the opportunity to consult with legal counsel prior to signing this agreement.

CLIFFORD JONES, DEPUTY

9/29/05
Date

SETTLEMENT AGREEMENT
DEPUTY CLIFFORD JONES, [redacted]
IAB CASE NO. IV 2136083

FOR THE DEPARTMENT:

RONNIE M. WILLIAMS, CHIEF
FIELD OPERATIONS REGION II

9/29/05
Date



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

September 23, 2005

Deputy Clifford Jones, #[redacted]

Deputy Jones:

On August 24, 2005, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2136083. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 23, 2005.

An investigation under File Number IAB 2136083, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about September 11, 2004, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when you wrote and submitted an arrest report and Probable Cause Declaration regarding the arrest of [redacted] which contained inaccurate and/or misleading information wherein you said the Honda that Suspect [redacted] was seated in had bald tires which were held on by two lug nuts per wheel and the gear shift control knob was missing.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/210.02, Initiation of a Pursuit*), on or about September 11, 2004, you initiated a pursuit of a Honda which you broadcast as a 10-29Victor (stolen vehicle) when, in fact, you did not know whether or not this Honda was a known, reported stolen vehicle because it did not have license plates affixed to it.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Sections 5-09/210.05, Abandonment of a Pursuit and/or 5-09/210.15, Vehicle Operation and Tactics*), on or about September 11, 2004, you failed to perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department, as evidenced by, but not limited to, the following:

    a) Initiating an out-of-policy pursuit of a "possibly stolen vehicle," and/or;

    b) during your initial radio broadcast of your pre-stop coordination of the vehicle, a siren is audible on the radio transmission, and/or;

    c) initiating a pursuit of the Honda because the driver was "a little bit out of control," and/or;

    d) failing to comply with Surveillance Mode after the pursuit was cancelled by the Watch Commander by broadcasting that the suspect's vehicle was "crapping out" and/or that you were "behind him."

4. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10. Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/430.00, Use of Force, Reporting and Review Procedures*), on or about September 30, 2004, during an interview regarding the use of force upon suspect [redacted] you stated that you observed four to five deputies struggling with Suspect [redacted] but could only recall two of them by name, specifically Deputies [redacted] and [redacted] You also stated

you were not the first Deputy to be on scene to physically restrain the suspect, to the contradiction of Witnesses [redacted] and [redacted]

5. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, or about September 30, 2004, and/or June 1, 2005, during your interview(s), you made false and/or misleading statements, including but not limited to, that although your reported observations regarding the condition of the suspect vehicle with respect to the bald tires, missing lug nuts, and the gear shift knob were incorrect, they were not false statements because you did not intend to mislead anyone and/or stated that "I was trying to show you what my observations were. This does not show particularly what I saw, but it gives you where I'm coming from in terms of what I'm seeing."

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Larry L. Waldie

LARRY L. WALDIE
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LLW:WJM:KM:tm

c: Advocacy Unit
Ronnie M. Williams, Chief, Field Operations Region II
Steven M. Roller, Captain, Century Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Bruce Pollack, Captain, Personnel Administration



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

October 7, 2005

Deputy Clifford Jones, [redacted]

Deputy Jones:

On September 23, 2005, you were served with a Letter of Imposition, indicating your right to respond to the Sheriff's Department's disciplinary action against you, as reported under File Number IAB 2136083.

The discipline was modified pursuant to a settlement agreement which was signed on September 29, 2005. Therefore, you are hereby notified that you have been suspended from the position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days.

However, pursuant to the settlement agreement, between you and the Department, twelve (12) suspension days will be held in abeyance for two (2) years from the date of execution of the agreement ending on September 28, 2007. In the event, you should become the Subject of a founded investigation within two years from the final date of signature of the agreement, the twelve (12) day suspension held in abeyance shall be imposed. Additionally, you will be subjected to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

All Departmental records will reflect, nevertheless, that you received a thirty (30) day suspension. The eighteen (18) suspension days will be deemed effective from September 24, 2005, through October 11, 2005.

Pursuant to the settlement agreement, the investigation under File Number IAB 2136083, that was conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about September 11, 2004, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when you wrote and submitted an arrest report and Probable Cause Declaration regarding the arrest of [redacted] which contained inaccurate and/or misleading information wherein you said the Honda that Suspect [redacted] was seated in had bald tires which were held on by two lug nuts per wheel and the gear shift control knob was missing.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/210.02, Initiation of a Pursuit*), on or about September 11, 2004, you initiated a pursuit of a Honda which you broadcast as a [redacted] Victor (stolen vehicle) when, in fact, you did not know whether or not this Honda was a known, reported stolen vehicle because it did not have license plates affixed to it.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Sections 5-09/210.05, Abandonment of a Pursuit and/or 5-09/210.15, Vehicle Operation and Tactics*), on or about September 11, 2004, you failed to perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department, as evidenced by, but not limited to, the following:

   a) Initiating an out-of-policy pursuit of a "possibly stolen vehicle," and/or;

   b) during your initial radio broadcast of your pre-stop coordination of the vehicle, a siren is audible on the radio transmission, and/or;

   c) initiating a pursuit of the Honda because the driver was "a little bit out of control," and/or;

   d) failing to comply with Surveillance Mode after the pursuit was cancelled by the Watch Commander by broadcasting that the suspect's vehicle was "crapping out" and/or that you were "behind him."

4. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/430.00, Use of Force, Reporting and Review Procedures*), on or about September 30, 2004, during an interview regarding the use of force upon suspect [redacted] you stated that you observed four to five deputies struggling with Suspect [redacted] but could only recall two of them by name, specifically Deputies [redacted] and [redacted] You also stated you were not the first Deputy to be on scene to physically restrain the suspect, to the contradiction of Witnesses [redacted] and [redacted]

5. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, or about September 30, 2004, and/or June 1, 2005, during your interview(s), you made false and/or misleading statements, including but not limited to, that although your reported observations regarding the condition of the suspect vehicle with respect to the bald tires, missing lug nuts, and the gear shift knob were incorrect, they were not false statements because you did not intend to mislead anyone and/or stated that "I was trying to show you what my observations were. This does not show particularly what I saw, but it gives you where I'm coming from in terms of what I'm seeing."

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.